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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mitsuaki Oshima et al. : Art Unit: 2134  
Serial No.: 10/017,973 : Examiner: Paul E. Callahan  
Filed: December 7, 2001 :  
For: MARK FORMING APPARATUS, METHOD :  
OF FORMING LASER MARK ON OPTICAL :  
DISK, REPRODUCING APPARATUS, :  
OPTICAL DISK AND METHOD OF :  
PRODUCING OPTICAL DISK :

**RESPONSE TO OFFICE ACTION**  
**DATED DECEMBER 3, 2002**

Assistant Commissioner for Patents  
Washington, DC 20231

S I R:

Responsive to the Office Action dated December 3, 2002, please amend the above-identified application as follows:

**IN THE CLAIMS:**

Claims 36-41 are shown in proper form (all words are underlined as claims 36-41 are new relative to the claims in Patent No. 5,761,301). Claims 36 and 38 have now been amended once; claims 37, 39, 40 and 41 have not been amended.

36. (Once Amended) An optical disk comprising:

a first substrate,

an information recording layer formed on said first substrate, and

a second substrate,

wherein said information recording layer is formed between said first substrate and said second substrate, said information recording layer has a track of a spiral shape, a data